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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.G.O. No. *4474*Press
*Mis**193-194*

Dated

*9-6**1863.*Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,
9th June 1863.*

No. 193. Read the following letter from Captain O. W. S. CHAMBERS, R. E., Superintending Engineer 1st Division, to Colonel W. I. BIRDWOOD, R. E., Secretary to Government, in the Department Public Works, dated Waltair, 15th May 1863, No. 18 :—

SIR,

* Without number or date.

1. I beg to submit to Government for orders the accompanying original letter* from Mr. Merrall, Acting Superintendent of the Dowlaishwaram Workshop, now on leave on the Neilgherry Hills.
2. In this letter Mr. Merrall refers to some point laid before the Right Honorable the Secretary of State for India for decision, which decision has not been communicated to him.
3. Should it be adverse, Mr. Merrall requests to be allowed at once to return to his duty.
4. He argues that three months' privilege leave with full salary are due to him.
5. He complains that the regulations are interpreted to his disadvantage and to the advantage of others, and proposes that his Covenant, which he states is at variance with the rules of the Uncovenanted Service, should be revised and adjusted to those rules "upon terms of mutual accommodation" between the Government and himself.
6. He expresses his willingness to retire from the service at once, if Government will pay him all they owe him and provide him and his daughter with passages to England Overland.
7. Mr. Merrall further proposes that, as a compromise to his claims under his Covenant, he should either be posted on full pay on the Neilgherry Hills or given one step in promotion; should one or other of these compensations be denied him, he purposes trying his case in the Supreme Court.
8. In calling the attention of Government to the tone of Mr. Merrall's letter, which would seem in my opinion to deserve reprehension, I beg to observe that from a personal knowledge of him I fully believe that no disrespect is intended.

From E. E. MERRALL, Esq., C. E., to Colonel S. O. E. LUDLOW, R. E., Deputy Chief Engineer, Northern Circle, dated Coonoor, May 1863.

SIR,

1. In reply to your letter No. 807, date April 27th 1863, I have the honor to remark, that in your former letter No. 745, date March 31st, I was informed that the matter in dispute was under reference to the Secretary of State, whereas in the latter communication it appears as if it had been definitely settled, although I have not as yet received any reply to that part of my Memorial.

2. If the decision has been given against me, I have the honor to request that I may be permitted at once to return to duty at any risk, as I find I cannot live here on half pay, as I could in Australia or England.

3. In the Chief Engineer's observations upon my former letter, it is stated that I had already twice accepted privileged leave under the Uncovenanted Rules, whereas I have never since I came to India had privileged leave at all, except the usual *one* month in each year allowed to

* The leave for one month granted to me in October 1861, was cancelled a few days afterwards by a special Telegram ordering me to proceed to Mangalore, and cannot therefore be counted.

all the servants of the Department Public Works, without exception, once in 1857 and once in 1858,* so that according to the rules of the service it does appear as if three months cumulative leave was due to me without loss of salary, and the mere presentation of a Medical Certificate is no bar to privileged instead of sick leave (see Gazette May 11th 1860, page 1,050). Why should I be denied the same indulgence as is allowed to other Officers? In 1855 I had seven weeks' sick leave, to the sea side, under the orders of Dr. Miller, but *no part* of my salary was deducted, only my tentage allowance of Rupees 3 per diem, even this was partly illegal; as by a former

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9th June 1863.*

order of Government, tentage was not to be deducted during the first ten days' absence on sick leave,* so that Rupees 30 is still due to me on that account; indeed, the deduction of half pay during short or temporary absence on Medical leave was never thought of until I was

* See Grant's Circular Order Book, page 5, (I believe).

sick at Mangalore in February 1862, and I have never yet been told under what rule the deduction was made, nor do I now believe that such a rule has any existence; it certainly is not in any part of the Uncovenanted Service Rules, the last copy of which is now laying before me.

4. In 1860 Mr. Moncrieff obtained three months' privileged leave to the Hills with full pay and Rupees 100 per month allowances, and I did duty for him and got nothing extra; to me it appears quite inexplicable why all the regulations should be interpreted to my disadvantage, and so frequently to the advantage of others. It may perhaps be that I am deficient in intelligence, but the rules are so complex and admit of so many and such different constructions, that it is difficult to know what they do mean; and as to my Covenant, it appears I never shall understand it, until it is explained in a Court of Law; my interpretation agrees with Mr. Ritchie, Colonel Ouchterlony, Mr. Fraser, c.e., Mr. Biggers, c.e.; and many others, and the exact words upon which the Madras Government has put one kind of construction in the case of the Mechanical Engineers, they have put quite an opposite construction in my case, and yet we are both doing duty with the same Department and under the same rules. It is undeniable that our Covenants are at variance with the Uncovenanted Service Rules, and all attempts to make them agree must fail, but if found so very inconvenient why not adjust them upon terms of mutual accommodation. I should be quite willing to accept a compromise, and I doubt not my colleagues would also, if the concession was not all on one side; but until some such compromise is effected we are quite justified in insisting upon the faithful performance of the conditions stipulated, and these conditions Government have hitherto not performed. Indeed, so disgusted am I at the continual disputes in which I have been engaged, that I am quite willing to retire from the service at once, if Government will pay to me all they owe me, and give me the amount of my own and my daughter's passage money back to England "overland," and I will never trouble them again.

5. If the Madras Government were friendly disposed towards me, they might give me some employment here under Captain Farewell who, I believe, wants assistance, and then I could draw full pay until my return to the plains, or if I was granted one step in promotion (permanently) I would give up the point in dispute, but otherwise I shall certainly try the case in the Supreme Court, and if I am successful (which is by no means unlikely) it will establish a precedent which even Government will be unable to set aside, as we must all bow to the decision of the law.

6. When it is remembered that there are only five Covenanted Civil Engineers in the whole Presidency, and their number is not likely to be increased, it is certainly a pity that Government cannot be induced to make some arrangement for placing us all in the same position as the rest of the Officers—it would save all parties a world of trouble and be highly advantageous to the public service.

No. 194.

ORDER THEREON, 9th June 1863, No. 1,474.

From Mr. Miller, 31st March 1862, No. 169.
Do. Colonel Ouchterlony, 3rd April 1862, No. 213.
Do. do. 10th " " " 224.
Do. Mr. Miller, 16th " " " 193.
Do. Colonel Ouchterlony, 19th " " " 233.
Do. Mr. Miller, 22nd " " " 199.

1. The foregoing papers will be communicated to the Government Solicitor with reference to the correspondence as per margin between Colonel Ouchterlony and Mr. Miller, and with a request that he will be so good as to obtain and submit the opinion of the Advocate General on the point at issue.

2. Copy of Mr. Merrill's Covenant is herewith forwarded.

(Signed) W. I. BIRDWOOD, Colonel, R. E.,
Secretary to Government.

Establishment No 18
Imperial Engineer
Major Walter to say his
From Captain O. P. (Chandler) R.E.
Imperial Engineer
Colonel W. Birdwood R.E.
Secretary to Government
in the Dept Public Works.

Sh:
I beg to submit to Government for orders the accompanying original letter from Mr. Merrill, Esq. Imperial Lieutenant of the Dowlaishnam Workshop, now on leave on the Nilgherry Hills.

2. In this letter Mr. Merrill refers to some point laid before the Right Honorable the Secretary of State for India for decision, which decision has not been communicated to him.

3. Should it be adverse, Mr. Merrill requests to be allowed at once to return to his duty.

4. He argues that 3 months privilege leave with full salary are due to him.

5 He complains that the Regulations are interpreted to his disadvantage and to the advantage of others, and proposes that his Covenant, which he states is at variance with the rules of the Inconvenanted Service, should be revised and adjusted to those Rules "upon terms of mutual accommodation" between the Government and himself.

6. He expresses his willingness to retire from the service at once, if Government will pay him all they owe him and provide him with his daughter with passages to England overland.

7. Mrs. Nevill further proposes that, as a compromise to his claims under his Covenant, he should either be posted on full pay on the Melgherry Hills or given one step in promotion; should one or other of these compensations be denied him, he purposes trying his case in the Supreme Court.

8. In calling the attention of

of Government to the tone of Mrs. Nevill's letter, which would seem in my opinion to deserve reprehension, I beg to observe that from a personal knowledge of him I fully believe that no disrespect is intended.

I have the honor to be,
Sir,

Your most obedient
Obedt. Chamberlain
Superintendent Engineer
Barrack Bazaar

2/12/103

Submits a Government for
 assets and original letters
 from Mr. Aldrich to the
 Department of the Interior
 -Warren Woodstock
 now on loan on the
 Philadelphia Public
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He Secretary to the
 Government of D. P. M.
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 Proceedings of the Shadow Government
 Under date the 9th June 1863.
 Read the following letter from the
 Superintendent Engineer 1st Division.

Transmit to Government for review
 the original letter from the Superintendent
 of the Division of the Department of the Interior
 Mr. Keble now on leave on the 2nd of
 January 1863.

Per. under 15th June 1863 & 18. 18.

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The foregoing papers will be
 submitted to the Govt. Solicitor
 with reference to the correspondence
 as per margin between Col. Rade
 & Mr. Miller, & will
 be requested that he will be so
 good as to obtain & submit
 the opinion of the Secretary to
 General on the point at hand
 Copy of Mr. Miller's
 Government is herewith forwarded

The Govt. Solicitor, with reference to the
 & Government

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A vertical strip of a book cover, likely from a Japanese textile or paper. It features a repeating geometric pattern of small squares and diamonds, possibly representing a stylized lattice or a traditional motif. The pattern is printed in a dark color on a lighter background.

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Confidential

Ca 229 June 1893

The above is a summary of the
 results of the investigation. The
 results of the investigation are
 as follows: